

THE  
Verbal Process :  
OR,  
PROCEEDINGS  
OF THE  
Extraordinary Assembly  
OF THE  
ARCH-BISHOPS and BISHOPS,  
HELD

In the Archbishoprick of *Paris*, in the Months of  
*March and May*, 1681.

Wherein the Right of the *REGALE*, that is, The King's Right  
of Presentation to Ecclesiastical Dignities and Benefices in *France*,  
and of receiving the Profits of them during a Vacancy, is asserted  
and demonstrated; and consequently, That the Pope, in claiming  
that Right, is guilty of Injustice and Usurpation.

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*Translated out of the Original French Copy, Printed at Paris by  
Frederick Leonard, Printer in Ordinary to the King and Clergy of  
France; By his Majesty's special Command.*

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L O N D O N,  
Printed for Jacob Sampson, next door to the *Wander Tavern*  
in *Ludgate-street*. 1681.

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Verbal Process  
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Extraordinary Assembly  
OF THE  
ARCH-BISHOPS and BISHOPS  
HELD

In the Archbishoprick of Paris, in the Month of  
March and May, 1681.

Wherein the Right of the Archbishoprick of Paris, the Right of  
of Election to Ecclesiastical Dignities and Benefices in France  
and of receiving the Fruits of them during a Vacancy, is asserted  
and demonstrated; and consequently, that the Pope in claiming  
that Right is guilty of Injustice and Oppression.

Translated out of the Original French Copy, Printed in Paris by  
Frederick Leonard, Printer in Ordinary to the King and Bishop  
of France; By Sir M. de la Roche, French Ambassador.

LONDON,  
Printed for Jacob Samler, next door to the Number Twenty  
in Lambard Street, 1681.

**TO THE  
READER**

**I** Here present you with that Rare Piece, which has been so much desired by Men of Learning and Curiosity; and, by reason of the extraordinary Nature of it, has been so much the Discourse of all Christendom. In it you will find the Great Controversie between the French King and the Bishop of Rome, about the Regale, or Right of the King, to Present to vacant Church-Dignities and Benefices in France, and to receive the Profits of them till they be Possess'd, fully and impartially debated, by Forty one Prelates; and, after mature Deliberation, unanimously determin'd for the King, ~~against~~ the said Bishop. What the Event of this may be, God knows, and a little time will discover; interim we have received News, That the King has already nominated the Abbot of Bourlemont to the

## To the Reader.

*Bishoprick of Pamiez, and has summon'd a General Assembly of the Clergie of France, to meet in September next, 1681. in which it is more than probable that the Pope's usurp'd Supremacy in France, will be utterly abolish'd; and, if so, that it will likewise be destroyed, by degrees, in all other Popish Countries: Which God grant.*

**THE**



The said Archbishop of Paris

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THE

**Verbal Process:**

OR,

**PROCEEDINGS**

OF THE

**Extraordinary Assembly**

OF

**The Archbishops and Bishops, held in the Pa-**  
**lace of the Archbishop of Paris, in the**  
**Months of March and May, 1681.**

**The Archbishop of Paris President.**

**O**n *Wednesday* the Nineteenth of *March*, 1681: about Two  
of the Clock in the Afternoon, the Archbishops and  
Bishops that were at *Paris* about the Affairs of their  
Dioceses, being convoked in the usual manner, and  
according to the Rules of the Clergy, met in the Pa-  
late of the said Archbishop: (*viz.*)

The said Archbishop of *Paris*.

## The Archbishops of

*Sens.*      *Reims.*      *Ambrun.*      *Rouen.*      *Tours.*      *Alby.*

## The Bishops of

*Carcassonne.*      *Bayeux.*      *Mans.*      *Vence.*      *Cisteron.*      *Chaalons.*  
*Coutances.*      *Bethleem.*      *Arras.*      *Acqs.*      *Rennes.*      *Nantes.*  
*Rochelle.*      *Autun.*      *Senes.*      *Aire.*      *Lavaur.*      *Bellay.*  
*Senlis.*      *Ngvers.*      *Langres.*      *Tarbes.*      *Troyes.*      *Minopolx.*  
*Castres.*      *Condom.*

## The Bishops Elect of

*Marseilles.*      *Evreux.*      *Cahors.*      *Tulles.*      *Perpignan.*      *Grasse.*  
*Tarbes.*      *Verdun.*

All these having taken their Places, according to the usual Order, the Archbishop of *Paris*, the President, having read the Prayer of the Holy Ghost, said, That divers Matters of great importance to the *Catholic* Church, had oblig'd the Agents of the Clergy to beg leave of the King, to hold this Assembly; and, his Majesty having granted it, he had given order for their Meeting accordingly; and that being now assembled, it was necessary to understand what was to be proposed to them; that so they might unanimously take such Resolutions as they should find just and reasonable: For which purpose he thought it best to begin with the reading of the *Memorial* presented to the King, and to hear the Agents.

Then the Abbot of *Befons*, one of the Agents, read the following *Memorial*.

Of the Clock in the Afternoon, the Archbishops and Bishops that were at Paris about the Affairs of their Dioceses, being convocated in the usual manner, and according to the Rules of the Clergy, met in the Palace of the said Archbishop: (was)

A Memorial presented to the King, by the Agents-General of the Clergy of France, containing their Complaints of what hath been done in the Court of Rome, and attempted to have been put in execution in France, within these Six Months, contrary to the Tenor of the Canons, the Liberties of the Gallican Church, and the Laws of the Kingdom.

**N**otwithstanding the Respect which the said Agents owe to the Authority of the Holy See, and to the Person of our Holy Father the Pope, they cannot, without being false to their Duty, omit to acquaint his Majesty, That divers Briefs appear abroad, under the Name of our Holy Father Pope Innocent XI. which have been obtained from his Holiness by some ill-affected Persons; wherein are several things contrary to the Maxims, Laws, and Liberties of the Gallican Church, to the Canons observed in it, and to the Concordat, (i. e. The Treaties, or Articles of Agreement, 'twixt the Popes and French Kings, about the Disposing of Benefices in France) which ought to be kept.

The Brief of the Eighteenth of December, which censures, and condemns to be burnt, the Sentence of the Parliament of Paris, of the Twenty fourth of September, 1680. in which Sentence are explain'd the Maxims and Laws of the Kingdom, in defence of the Authority of the Bishops.

The Briefs address'd to his Majesty, to hinder the Execution of the two last Declarations about the Regale, (i. e. A Right inherent in the Crown of France, whereby the King has the Profits of vacant Benefices, and presents Successors); which Briefs being penn'd in severe and menacing Terms; they gave occasion to the last Assembly to testify to his Majesty their high displeasure for the same: Whereupon several scandalous Libels having been published against the said Assembly for so doing, the Zeal of the said Agents has stirr'd them up to seek Reparation for these Injuries and Slanders.

All the other Briefs concerning the Business of Pamiez; sent either to the now deceased Bishop of Pamiez, or to the Archbishop of Toulouse; but especially the two last, one of which, dated September 23. confirms the Election of the pretended Grand Vicars, established by the Chapter,

in the Vacaney of the See, with an Injunction to acknowledge them, upon pain of incurring the severest Penalties of the Church: The other Brief deliver'd the first day of this Year, by which his Holiness pronounceth an actual Excommunication against the Archbishop of Toulouse, without using any of the Forms observ'd within this Kingdom: which Brief was posted by night in Toulouse, with a pretended Order of Fryer John Cerle, who calls himself Grand Vicar of the Chapter of Pamiez, which is injurious to the Episcopal Dignity, and equally prejudicial both to Church and State.

The Briefs about the Business of Charonne.

The Brief of the Eighteenth of December last, which condemns the Book de Causis Majoribus, compos'd by Monsieur Gerbais, a Doctor of the Society of Sorbonne, as containing Schismatical Doctrine, suspected of Heresie, and injurious to the Holy See; which Brief forbids People to keep the said Book, or to read it, upon pain of Excommunication reserv'd, except in case of death; and Ordains the Bishops to cause it to be burnt.

In all which Briefs they that have endeavour'd to beget a misunderstanding, and create a difference between the Pope and the King, have laboured to ruine the Canons receiv'd and observ'd in France, and to destroy the Treaty; for their whole design has been to engage his Holiness, upon bare Informations, without any Appeal, & omisso medio, to judge, and, in his Tribunal at Rome, to confirm, of his own meer motion; and by the sole Motive of the plenitude of his Power, several Elections that were null and void; to deprive Bishops of their ordinary Authority, Archbishops and Primates of their Superior Jurisdiction, and to interrupt the Order of Ecclesiastical Jurisdiction.

To stop the Progress of these Mischiefs, the said Agents General think it necessary, and their duty, to assemble the Prelates now attending his Majesty about the Affairs of their Churches, that so, by their singular Prudence, a way may be found to put things again in order, by giving what is due to the Holy See, to our Holy Father the Pope, to the King, to the State, and to their own Dignity and Jurisdiction.

When this Memorial was read, the Archbishop of Paris asking the Agents, Whether they had any thing to remonstrate to the Assembly upon these Points, the Abbot Desmaret's represented, That the Abbot of Bezens and he did look upon the Honour the  
last



last Assembly had done them, in committing to their Charge the Care of the Affairs of the Clergy, as an Advantage so much the greater, for that they had the happiness to begin their Work at a time when the King had given the Church the clearest Proofs he ever had of his Piety, and of that Zeal his Majesty has always had to procure for her all sorts of Advantages.

That in truth the last Assembly had found it self under the happy Necessity of changing into Humble Thanks the Remonstrances which former Assemblies had made, to prevail with his Majesty, that he would be pleased to keep those of the pretended Reformed Religion within the Limits of the Edicts, and to hinder them from breaking the said Edicts, by such Attempts as they have always made against them, to the contempt of the Law, and scandal of the Church.

That this was not the proper Place for reviving all those Declarations, Edicts, and Decrees that had been made to stop the Course of such Attempts, to facilitate unto Hereticks the Means of Conversion, to protect those to whom God had shewed that Mercy, against the Insultings and ill Treatments that are used toward them, in hatred to their Conversion, and in fine, to hinder Catholicks from being perverted.

That the almost infinite number of Temples pull'd down, Exercises of the pretended Reformed Religion interdicted, Hereticks converted, Preachers of the Gospel sent into the remotest Parts of the Earth, and unto those Nations of the World that are most ignorant of our Holy Religion; these Missions maintain'd by the Liberality of this Great Prince, the care he has taken to stifle all Novelties in the birth; in fine, so many other Actions known to all the World, (one of which heretofore was thought a sufficient Elogie for the most Religious Prince) were so many publick Testimonies of his Piety, for which the Church could never thank him enough, and by which he would for ever gain to himself the Respect and Veneration of all Christian People.

That the last Assembly having also taken notice of these Briefs, writtento the King by our Holy Father the Pope, in harsh and menacing Terms, they thought it their Duty, upon this occasion, to give some publick Marks of the Displeasure they had conceived, to see the Eldest Son of the Church, and the only Prince who is now

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in a condition to protect her, treated like those that have usurped her Rights.

That there had since appeared in this Kingdom divers Briefs, in which were many things directly contrary to the Maxims, Laws, and Liberties of the Gallican Church, and very prejudicial to the Authority of the Ordinaries, and to the Superiour Jurisdiction of the Metropolitans and Primates.

That notwithstanding the Respect and Submission which was due to the Holy See, and to the Person of his Holiness, they thought themselves indispensibly obliged by the Duty of that Charge into which the last Assembly did them the honour to receive them, to inform the Prelates, now at Paris, of these things, and to put the Papers into their Hands, that so, having perfect knowledge thereof, they might take such Resolutions as they should judge necessary.

And having exposed, in few words, the Contents of all those Papers, he said, That they would not report what the Bishops of France did when the Gallican Church was attack'd by the like Attempts, but ended with the Words of Nicholas the First to Hincmar Archbishop of Reims: *Videte si hæc Ecclesie Christi non præjudicent; videte si tolerabilia valeant aestimari; considerate si debeatis Ecclesie Sanctæ Dei istas derogationes ingerere.*

Having made this Remonstrance, the Archbishop of Paris said, That the Importance of those Affairs which had caused this Assembly, did sufficiently appear, as well by the Memorial, as by the Remonstrance: so that there was no need of saying any more concerning it: and consequently, that nothing now remain'd but to take the Judgment of the Company: Which was immediately done; and they all declared it their Judgment, That the Clergy of France, having always preserved a great Respect for the Holy See, an inviolable Fidelity to the King, and an unshaken Constancy for the Maintenance of the Rights and Liberties of the Gallican Church, they ought to continue in that mind, which had always made the Church of France so famous and venerable. And the Archbishop of Paris was prayed, by an unanimous Vote, humbly to thank the King, that he had been pleas'd to give his Approbation to the Assembly; and to beseech his Majesty to continue his Protection to it. Also by the same Vote the said Archbishop was desired to name Six Commissioners,

ners, to examine, together with himself, the Acts and Papers concerning the present Affairs, the Book of Monsieur Gerbais, and that of Monsieur David) entituled *Capituled Judgments of the Bishops*, printed at Paris in 1671, and to report the whole to the Assembly, when they shall think fit. Whereupon the Lord President nominated for Commissioners the Archbishops of Reims, Ambrun, and Alby, with the Bishops of Rochelle, Autun, and Troyes.

*The First of May, 1681. at Two of the Clock  
in the Afternoon.*

**The Archbishop of Paris President.**

**T**HE Assembly being now again convened, according to the Vore aforesaid, the Archbishops and Bishops above-named (except some few, who were returned to their Dioceses about urgent Affairs) and besides them, the Bishops of Amiens, Puy, Montpellier, Auxerre, and the Bishop Elect of Laon, met in the Hall of the Archbishop of Paris his Palace; where having taken their Places, and made the usual Prayer, the Lord President said, That the Lords Commissioners and he having had divers Meetings, had labour'd in the present Businesses with all the exactness possible, and that they were ready to give an account of all that had been done by virtue of the said Commission, and to declare the Advice which they had thought fit to propose to the Assembly; and that they would do it presently, if the Company pleas'd. Which being approv'd, the Lords Commissioners took their Seats, and the Lord Archbishop of Reims said,

*My Lords,*

**W**E could not read the Three Briefs which the Pope has writ to the King about the *Regale*, without being astonish'd at the sharpness therein express'd, nor without admiring the moderation wherewith his Majesty received them. Having well examin'd them, and made a serious reflexion on that heat with which his Ho-



liness has been engag'd in this Business, we are persuaded, that both our Character and our Birth do indispensibly oblige us to do our utmost for preventing the Consequences of this Contest, which must needs be very dangerous; For this Reason, before I examine the Matter which caused these Briefs, (*viz.* the King's Two late Declarations about the *Regale*, or his Ecclesiastical Right) I think I ought to Impart to you the Reflexions that I heard the Lords Commissioners make upon the Mode in which these Briefs are written.

He that penn'd them cannot be ignorant how far the King has extended his Power; and this single Consideration should have oblig'd him to moderation when he wrote them; But certainly he knew not that his Majesty never employs it more willingly, than when he meets with Occasions of giving publick Marks of his Zeal for Religion. If they that have the Honour to attend the Pope, knew as well as we, that the King always grants us his Protection, when we need it for the good of our Dioceses; that he prevents many times the just Requests that we intended to have made him (which in former times were want to be made in vain, though they concern'd the Affairs of the Church in general); that he vigorously employs himself, of his own accord, for the ruine of Heresie in his Dominions, with such Success, that we have reason to believe, without flattering our selves, that if God continues to us this Great Prince as long as all good People ought to desire it, he will utterly destroy that Monster in this Kingdom. If they were (I say) well inform'd of the happy Condition of the Church of *France*, these three Briefs, which you have read, had not been couch'd in such hard and high Terms; the last of them had not publish'd to all *Christendom*. That the Pope thinks the King capable of abusing the Greatness of his Power, so far as to employ it against the Head of the Church; and it had not been so full of Menaces, which the ancient Popes never used, no, not when they thought themselves oblig'd to defend the Church against such Princes as were directly opposite to her Doctrine, and with their whole Authority oppugn'd the Decisions of her Councils.

But that which toucheth us most at this time, is, That these Briefs being dispers'd into all Parts of *Europe*, where it has been thought fit to send them, Strangers, that are jealous of the Glory and Prosperity of the King, will believe he makes use of his Authority to weaken

our



our Rights and Privileges. Nay, when Posterity shall see the Eldest Son of the Church (who has given Laws to all *Europe*, confederate against him) threatened in these Briefs with the greatest Misfortune that can befall him, by so worthy a Person as our present Pope is, they will conclude, That this Great King did impose upon the Clergy some intolerable piece of Servitude; and that having caused Scandals in the Sanctuary, he had justly drawn upon himself, with so dreadful a Presage, those terrible Words, *cum Christo, non nobiscum tibi negotium erit in posterum*. Now although these false Conceits be sufficiently confuted by his Majesty's Conduct in the Affairs of the Church, yet they may seduce weak minds, and make dangerous Impressions, unless we publickly declare our grief to see a Prince every where treated as a Usurper of the Rights of the Church, who never refus'd Protection to her Pastors, but gives us daily fresh subject to thank and honour him upon that account.

I know well enough, that it is a Father that writes to his Son; that it is the Chief of all Bishops, that intended to defend the Liberties of some Churches in *France*, which were represented to him as subjected to novel and dangerous Vassalages; and that upon this score it would be our duty to thank his Holiness for the good Offices he would have done the Churches of the Four Provinces if his Briefs had not look'd more like Canonical Citations, than Fatherly Admonitions. I know the Pope complains, in the last Brief, That no Answer had been given to the second, and that neither his Requests nor Exhortations were regarded. We were not ignorant that his Holiness was troubled with a great many Letters, framed at *Rome* by the Creatures of the deceased Bishop of *Pamiez*, who, abusing his Easiness, had brought with them Blanks signed by that Prelate. These Seditious Persons were careful to conceal from the Pope (which honest Men, in their Places, would not have done) that the King had not deferr'd an Answer so long, but because he could not, without great trouble, resolve to send such a one as would not be grateful to his Holiness; they chose rather to do their utmost to incense him; they did all they could to bring things to the last extremity; nay, they did not blush to represent the use of the *Regale* (which Councils and Popes have approv'd upon divers occasions) as a monstrous thing, and a kind of Heresie, capable of ruining all the Purity of Religion in the Church of *France*. These violent Spirits

have not been sparing either of Craft or Falshood; they have made horrible Propositions, which the Pope has always rejected; and they took this course, supposing that the Truth should never have been able to disperse those Clouds in which they had involv'd this Business with his Holiness. *Romani cum mendaciorum suorum merce navigaverunt*, as once St. Cyprian said, *quasi veritas post eos navigare non posset, quæ mendaces linguas, rei certæ probatione, convinceret.*

I cannot here forbear, *My Lords*, to observe to you the wrong that these unnatural *Frenchmen* have done the Clergy of *France*, by informing the Pope, That the greatest and most zealous Prelates of this Kingdom did speak to his Holiness by the Mouth of the Bishop of *Pamiez*, thought, to avoid the danger of being discover'd, they only protested it was so, and privately endeavour'd to procure the Protection of the Holy See: These are the very Terms which I have extracted out of a *Memorial*, deliver'd to all the Cardinals that are now at *Rome*, since the Cardinal *d'Espre's* arrival there; and his Holiness declares as much in his third Brief. But can he believe without doing us a very great injury, that the number of those Prelates, whom he calls *Viri fortes, & divini regis, ac libertatis, Ecclesiasticæ zelatores*, can be reduc'd to two or three of our Brethren, to whom are imputed such Proceedings in this Business, as I will not accuse them of; for I honour them too much to suspect them of it in the least.

This sort of dealing would certainly be intolerable; for if those Prelates were persuaded, as hath been suggested to his Holiness, that not one Bishop of the Four Provinces, without being wanting to his Duty, could obey the Declarations of 1673. and 1675. should they have executed them? And having publicly submitted to them, if they were satisfied with making secret Protestations, would they deserve to be called by the Pope *Viri fortes*? Might I not with more reason apply to them the Words of St. Cyprian, *Fallaces in excusatione præstigiis quæritis; nam qui vult videri propositis edictis satisfecisse, hoc ipso jam paruit quod videri paruisse se voluit*? If the resistance made by the Bishop of *Pamiez* had awakend their Zeal, should they have forbore writing, except only in secret? Were they not oblig'd to make Reparation for their pretended Fault, by a generous conjunction with that Prelate, in defence of the common Liberties of their Churches, though they had done it only to avoid the Reproaches

proaches which might now be cast on them, That they did engage in this Business through a Spirit of Faction only; which is more criminal in one Bishop, than in all the rest of the King's Subjects.

The Churches of the Four Provinces are govern'd by considerable Prelates, distinguish'd by their Verrues and Capacities, and some of them by the Purple of Cardinalship; they have all, except the Bishop of *Pamiez*, executed the Declarations: For, having weigh'd all in the Balance of the Sanctuary, they were of opinion, that wise men ought to obey in this matter, being perswaded, with *Hincmar*, my Predecessor, *Esse a talibus abstinendum, unde inter Episcopalem autoritatem, & Regalem potestatem, inter Ecclesiam, & Rempublicam tantum scandalum possit oriri, quod facite, ac sine dispendio Religionis, vel detrimento rerum Ecclesiasticarum, posse non posse sedari.* Their Brethren, who possess the Sees of those Churches, that are, without dispute, subject to the *Regale*, have approv'd their Proceedings; but if we had been convinc'd that their Compliance had been Criminal, *non desuissent* (to use once more the Words of the third Brief) *virii fortes, & divinae legis, ac libertatis Ecclesiasticae zelatores*, who would have taken part with the Church, with a Constancy truly Episcopal, and would have defended her Rights in such a manner, as would have manifested to all the World, that we deserve not the Reproaches that are cast upon us, of being guilty of a base Compliance in this Affair; which would render us the more guilty, in that we have a King so Just, and so Religious, that he requires nothing of us that is contrary to our Duty; nay, he would condemn such of our very Order, as should be capable of failing in the least of their Obligations.

No doubt the Pope was prepossess'd by the Impressions which those byass'd Persons, of whom I have been speaking, had fix'd on his mind, when he commanded his third Brief to be written; they that executed the Orders of his Holiness herein, forgetting that they were to make a Pope speak, who was as much distinguish'd from the rest of Mankind by his great Vertues, as by his eminent Dignity; and, being animated by the same Spirit that guided those who were employ'd under *Adrian* the Second, in the time of the great difference between that Pope and *Charles the Bald*, they have fill'd this Brief with sharpness, making use of some Expressions very remote from the natural Moderation of his Holiness, not knowing *Sanctam*



*Sed cum modestia, & discretione corrumpere, & salubriter corrigere, secundum uniuscuiusque personam, & ordinem, salutam semper fuisse.* But when the Pope shall be fully inform'd of the Conduct and Interests of the King, by the Cardinal *d'Estrees*; when all the Frauds shall be discovered and dissipated, that were made use of to keep from him the knowledge of what had pass'd in this Kingdom; when he shall be made sensible that the use of the *Regale* is not burdensome to the Churches, that have been subject to it for many Centuries; when he shall consult his own Heart, full of esteem and tenderness for the King, and shall well consider, that the Affairs of *Europe* are in such a condition that he can expect from none, but this Great Prince, that Succour which is necessary for the Execution of the great Designs, he is now contriving for the Advantage of the Church, to the good of which, we see, with admiration, that, without consulting Flesh and Blood, he consecrates, with an indefatigable Zeal, every precious moment of his Pontificate; then we may hope, that his Holiness, being animated by the Example of *Adrian* the Second, will write to the King in the same Terms which that Pope us'd, when he wrote to *Charles the Bald*, by way of Reparation for the Injury which that Prince pretended he had received by the Letters of that Sovereign Bishop: *Si quaedam literæ delatæ vobis sunt, aliter se habentes in superficie, vel subreptæ, vel a nobis extortæ, vel a qualibet persona confictæ, durius aut acrius mordaciter sonantes, non oportet ad sonum, sed ad votum respicere; scimus enim quod sis justus, amator, exaltator, & illustrator specialis in orbe terrarum, & permaximus Ecclesiarum Dei.*

The Bishops of *France*, being assembled in my Diocese, at *Douzy*, situate beyond the *Meuse*, near *Sedan*, informed *Adrian* the Second of the Noble Qualities of their King, the Justice he administer'd to all his Subjects, &c. but having particularly inform'd him, that the King never fail'd of giving Protection to their Churches, they induced the Pope to change his mind, and, by this Letter of theirs, to lay aside that severity and bitterness of which his former Letters were full.

Now, *My Lords*, if we imitate the prudent and zealous Conduct of these Great Prelates, whose Sees we possess, we may hope that his Holiness, according to that excellent Expression of *St. Cyprian*, *Consilium Veritatis admittet*: Yea, I doubt not but we shall, e'er long, have the satisfaction of seeing a perfect Correspondence between a

Great



Great Pope, and a Great King, who, being strictly united, are able to do more good to the Church, than all their Predecessors have done.

After these general Considerations, upon which I thought my self oblig'd to be somewhat large, I shall enter upon the Matter of the *Regale*, which was the Cause of those Briefs whereof I have given you an account.

It must be granted, that our Kings have a very long time been possess'd of the Right of the *Regale*; *Alexander* the Third, *Innocent* the Third, *Clement* the Fourth, *Gregory* the Tenth, the Second Council of *Lyon*, and *Gregory* the Eleventh, yea, our very Predecessours in the Council of *Bourges*, have acknowledg'd and approv'd it; and therefore this Right in general cannot be deny'd, without opposing the Authority of this Council, and the Authority of those great Popes; and consequently, the Foundation of the *Regale* being indisputable among knowing Men, the only Question now will be concerning the Extent of it.

This Question is not so easily to be decided for our Advantage as some would make the Pope believe: The Right of the *Regale* is look'd upon by the King and his Officers as a Right of his Crown: *Jus Regium* has been debated ever since the time of *Philip the Fair*; but our Kings have never submitted it to any Ecclesiastical Tribunal; yea, they pretend that they are not oblig'd to conform to the Politie and Discipline of the Church in this Point. We see by the ancient Decrees of the Parliament of *Paris*, that the said Assembly hath always given judgment upon these Principles, and these Maxims are common in Authors, that have written about the *Regale*. The Parliament of *Paris*, by its Decree of the Twenty fourth of *April*, 1608. hath given the Occasion of the present Contest; These are the Words of the Decree. *The Court declares, That the King hath the Right of Regale in the Church of Bellay, and in all other Churches in the Kingdom, and prohibits Advocates to make any Proposition to the contrary.* The Clergy having complain'd to King *Henry* the Fourth of this Decree, made against the expresse Terms of the Declaration of 1606. which was but newly Register'd; that Great Prince brought the Business before himself in Council, where it was stopp'd, though since the Case has been judg'd. If the Prelates, who, not without cause, oppos'd this Decree of Parliament, after they had obtain'd of *Henry* the Fourth a *Superfedeas* against the Execution of it, had believ'd that

that they might have follow'd the Example of *Peter Bertrand* Bishop of *Autun*, who, in that Defence of Ecclesiastical Jurisdiction, which he undertook in 1329. before *Philip of Valois*, in the presence of the Clergy of *France*, and a great number of Barons of the Kingdom, declared, in the beginning of his Speech, that he did not speak *ad finem subeundi quodcumque judicium, sed solum ad Domini Regis, & aliorum assistentium conscientiam informandam*; if they had, I say, believ'd that they might have followed this Example, they might certainly have made some advantage thereby: but they could not avoid the owning the Jurisdiction of the Council; for they were perswaded (as we, and all the rest of the Kingdom now are) that there is no other Jurisdiction where this Affair could be debated. And this is so true, that the Assemblies of the Clergy never pretended, that it ought to be brought before any Ecclesiastical Tribunal. Upon this Principle the Bishops of the Four Provinces have produc'd their Titles, and they have been examined by the most knowing Persons of the Council; so that it is true, that Judgment was not given by the King, till both Parties had been fully heard.

*Philip of Valois*, by his Order of *October*, 1334. vulgarly call'd the *Philippine*, decided great Difficulties, rais'd in his Reign, about this matter. *Lewis* the Eleventh, by his Declaration of the Twenty fourth of *May*, 1463. prohibits all his Subjects to have any Process concerning the *Regale*, before any Ecclesiastical Judges, (no, not in the Court of *Rome* it self) and yet we do not find that either *John* the Twenty second, or *Pius* the Second, complain'd of it. *Britany*, which was not reunited to the Crown before the year 1532. was subjected to the *Regale*, by a Decree of Parliament in 1598. in the Popedom of *Clement* the Eighth, who complain'd not of it, no not to Cardinal *d' Ossat*, who then attending the Pope, confesseth that the King might extend the *Regale* upon all the Bishopricks of his Kingdom.

On the other side, some would perswade us, that the Right of the *Regale* is a Servitude, which (especially in reference to the Collation of Benefices) cannot be impos'd but by the Church her self, or by her consent. Upon this Principle the Second Council of *Lyon*, having tolerated the use of the *Regale* in the Places where it was then established, and at the same time prohibited the extending of it any further, upon pain of Excommunication; it must be concluded, that

that those Churches which were subject to it in 1274. had no cause to complain (as indeed they never did), and that such as had till then preserv'd their Natural and Canonical Liberties, had reason to defend themselves, till the Declaration of 1673. came forth, which subjects, without distinction, all the Churches of the Kingdom to the *Regale*.

Certainly they, that have the Honour to serve the Pope, have not a true Idea of this Right; for his Holiness, in one of his Briefs to the King, speaks of it, as of a thing, *in qua non solum Gallicanæ, sed totius Ecclesiæ dignitas, salusque vertitur*: However, it's certain, that it consists onely in the Enjoyment of the Profits of vacant Bishopricks, and in the Collation of Dignities and Prebends, till the Sees be full.

Whether these Revenues are managed by the Kings Officers, by the Conduct of the Church, or the Visitations of a Bishop, who was heretofore sent by the Metropolitan; whether Benefices be conferr'd by the King, or by the Chapter, or reserv'd for the succeeding Bishop, are Matters of meer Discipline only, about which the Church hath varied upon Occasions much more important. For example, Did not the Bishops heretofore chuse all the Beneficed Men in their Dioceses? and did they not give them Institution? This Right, which they have enjoy'd many Ages, hindered not, but that afterwards, to gratifie those who had contributed to the Founding or Re-edifying of Churches, the Privilege of Presenting to Benefices was granted them. In the Ancient Church the People gave their Voices in the Elections of Bishops, and the Clergy of the City and Country were call'd to them: since which, the Chapters of Cathedral Churches only have Power to make such Elections: However, a Council, and the Holy See, did, in the last Century, by abrogating Elections, give our Kings the Right of nominating Bishops, which obliges as much their Consciences, as it honours their Crown. These different Changes respect not the Foundation of Religion; they are onely Matters of Discipline, which can neither alter nor weaken the Truths and Maxims of the Catholick Faith, which alone are unalterable: *Regula Fidei*, as *Tertullian* saith, *sola inreformabilis est, cetera correctionem novitatis admittunt*.

The Pope depends chiefly upon the Ordinance of the second Council of *Lyon*, which his Holiness would fain get executed. Sure it is,



is, this Council has always been look'd upon in *France* as a General Council, and the Bishops of the Kingdom were present at it; but we are told by a great Bishop, who labour'd in the Regulations of that sacred Assembly, That this Canon was principally made upon the Complaints of some Bishops of the Kingdom; concerning the scandalous Proceedings of the King's Officers, by which the Church-Rechts were much impaired; and he tells us withal, That this Regulation was not executed, and that the Church of *France* got little advantage by it. *Philip the Fair*, in that famous Contelt twixt him and *Boniface* the Eighth, in the beginning of the Fourteenth Century, did not defend the *Regale*, which that Pope attack'd; by the Council of *Lyon*, but by the Example of his Grandfather *St. Lewis*, who died four years before this Council was held. Would it not then be very strange if any one should endeavour now to raise Divisions to procure the Execution of a Canon, which was not executed at a time when it should have had more force; and the Canon of a Council which probably had not made such express Prohibitions against extending the *Regale*, if it had then been in the Condition to which it hath since been reduc'd by the Moderation and Piety of our Kings.

What I have said of the Piety of our Kings, causeth me to make an important Reflexion; and it is this, *My Lords*, That if the King should think fit to yield to the Pope's Remonstrances, and that his Majesty should afterward make use of his *Right* in its full extent, he might, without giving just cause of complaint to any, in stead of giving the Profits of the vacant Benefices (which are indisputably subject to the *Regale*) to the new Bishops, he might, I say, according to the Example of his Predecessors, before *Charles* the Seventh, cause them to be carried into his Treasury; which, surely, would be a greater prejudice to the Church, than the new Yoke which the Pope says is impos'd on her.

We cannot too much admire that truly Apostolick Zeal with which his Holiness labours to re-establish the Ancient Discipline of the Church; yea, he gives us a great Example, of which we ought to make good use, for the Reforming of our Dioceses; however, we ought not to pretend to renew all the ancient Canons, nor expect so great a good from the pious Intentions of the Pope; for, if his Holiness should undertake it, all that he could do in it would be reduc'd,



reduced, in St. *Augustine's* opinion, to very dangerous Attempts. *Ubi quippe in iura consuetudinis, quae de iure utilitatem, non in de perferunt.* If we strictly examine what is done, and what we are obliged to tolerate, we shall soon be convinc'd, that we are far from being able to re-establish the Discipline of the Councils of *Nice* and *Chalcedon*, seeing we cannot exact an entire Execution of the Council of *Larcan*, or of *Trent*, which, though assembled, as it were, in our day, hath not yet been publish'd in *France*, notwithstanding the Importunities of several Popes to our Kings upon that occasion. We must not then be so much concern'd about one Canon of the Council of *Lyon*, the meaning of which is not clear, and was never executed; while we are oblig'd to suffer so many Decrees of Councils, both before and after that of *Lyon*, to remain unexecuted.

You will easily conclude, *My Lords*, by what I have said, That the Principles of the Pope and those of the King's Officers, about the *Regale*, are directly opposite. The Pope believes that the *Regale* is a Right deriv'd from the Church; the King looks on it as a Regal, Temporal, and Inseparable Right of the Crown. The Pope relies on the second Council of *Lyon*, which his Holiness looks upon as a sacred Boundary, beyond which we may not pass; the King (who, not without reason, pretends that he is not subject to a Council for a Right merely Temporal) doth not own the Authority of the Council alledged against him. On the contrary, his Majesty maintains, that his Predecessors could not prejudice his Rights, and that if they had reason to preserve the Privileges of the Four Provinces, he has had much more reason to cause the *Regale* to be reviv'd there, where it had been suspended by those pretended Privileges, or by the negligence of their Officers; that the Bishops, as I have already serv'd, have acknowledg'd him for their Judge, and that having pronounc'd Judgment, he is oblig'd to give an Account of it to God only.

Here, *My Lords*, is a tendency to a Breach between the two Powers. Who shall determine the Difference? The Pope will proceed at Law; and the Parliament will declare his Proceedings abusive; they will be accounted Assaults upon the King's Temporality; and the most part of the King's Officers, during this Contest, will complete the Ruine of the Ecclesiastical Jurisdiction (which is almost extinguish'd already), and will insensibly raze out of the minds of the

People that Reverence which they had for their Pastors: So that the saving the Privileges of the Churches in the Four Provinces, bears no proportion with the Disorders that will infallibly attend this Breach; and all the Attempts which the Pope shall make to re-establish their pretended Liberties, will be so far from being any way advantageous, that they will bring many real Mischiefs upon the Churches of *France*. Wherefore we think our selves oblig'd, both in Honour and Duty, to inform his Holiness, That though we cannot sufficiently applaud that Zeal and Constancy with which our Predecessors defended the Liberties of the Four Provinces, till the Declarations of 1673. and 1675. yet we had strong Reasons for our Submission thereunto; and that for the same Reasons (with which we hope that the Pope's Piety will be moved) we believe our selves bound, upon this occasion, to do all that shall be in our power, to re-establish a perfect Correspondence between his Holiness and the King; *sine quorum concordia, as Ives de Chartres says, res humanae, nec tutae esse possunt nec incolumae.*

And we were the more willingly induced to be of this opinion, because it is certainly conformable to the Mind of the Council of *Lyon*, in which Pope Gregory the Tenth presided over more than 500 Bishops; who being sensible of their Obligations to the Kings of *France*, that had newly delivered the Church from the Heresie of the *Albigenses*; and besides, knowing that they could not resist King Philip the Hardy, without exposing the Church to great Distresses; they resolved to give Posterity a great Example of Moderation, in authorizing, by a Decree of that Sacred Council, the Usage of those Times about the *Regale*, though that Usage was introduc'd contrary to the Order of the preceding Councils.

I think, *My Lords*, I cannot conclude better what the Lords Commissioners have given me in charge to say to you in this matter, than with those admirable Words of the same *Ives de Chartres*, in which all the Reflexions we have made on so important a Business are included. *Dicent forsitan fortiores fortiora; meliores, meliora; nos pro mediocritate nostra sic sentimus; non legem in salibus praescribentes, sed propter vitanda majora pericula Ecclesiae, necessitate temporum, si commodius fieri non potest, cedendum esse intelligentes.*

The

The Archbishop of Reims having ended the Report concerning this First Head of the Commission, said, That the Lord Commissioners had examined, according to the Order of the Company, the Books of Monsieur Gerbais, and Monsieur David : That in the Examination they had made of the former, having found it full of good Doctrine, and much Learning, they had thought fit to give their Judgment of it in Writing, which they had done, that the same might be submitted to the Judgment of the Assembly with all due Respect.

That they had not been so much edified by the Doctrine of Monsieur David, which had appeared to them to be very dangerous : That they had reduced it to Five Heads, to which all his Opinions might be refer'd : That this Author having been inform'd of the Complaints that had been made against his Book in the Assembly, the Nineteenth of March last, he thought it his duty, to prevent the Sentence which otherwise the Assembly had certainly pass'd against it, by declaring his real Sentiments concerning the Doctrine laid to his charge : That thereupon he had put in to the Hands of the Lords Commissioners a Writing, signed by himself, containing the Exposition of his Book ; That the Lords Commissioners had examined this Writing, and were well satisfied with it.

That, if it pleas'd the Company, the Lord Bishop of Troyes would read the Judgment of the Lords Commissioners concerning the Book of Monsieur Gerbais, and the Exposition given them by Monsieur David, that so after the reading thereof, the Assembly might take such Resolutions concerning the said Books as they should think fit.

Whereupon the Lord Bishop of Troyes read the two following Pieces

**H**AVING examined the Book entituled *Dissertatio de Causis majoribus ad caput Concordatorum de Causis*, Printed 1679. composed by Monsieur John Gerbais, Doctor of Sorbonne, by the Order of the Assembly of 1665. we believe that the Zeal which the said Monsieur Gerbais hath testified in defending the Maxims founded on the ancient Canons, to which the Church of France hath always inviolably adher'd, deserves the Protection of the Assembly, That it ought, after the example of that of 1670. to commend his Pains in this Business, and to have an esteem for his Learning, particularly in what he hath written (conformable to the Relation printed by the Order of the Assembly of 1665.



concerning the Deliberations of the Clergy of France, upon the Constitution of Innocent the Tenth in 1653, to justify the Right which we have to decide Matters of Faith and Discipline, and to oppose the Authority which we have received immediately from Jesus Christ, to the Novelties that might arise in our Dioceses and Provinces, which St. Augustine believed to be so powerful, that he thought it sufficient to silence the Pelagians, when they demanded a general Council: *Haud vero Congregatione Synodi opus erat, ut aperta perniciēs damnaretur, quali nulla Heresis aliquando, nisi Synodi Congregatione, damnata sit; cum potius rarissima inveniantur, propter quas damnandas necessitas talis extiterit; multoque sint, atque incomparabiliter plures, quæ ubi extiterunt, illic improbari, damnarique meruerunt, atque inde per ceteras terras divitandæ innotescere potuerunt.*

The Proofs which Monsieur Gerbais gives us in this Book, to demonstrate that the Gallican Church is not departed from the Discipline of the Council of Sardica (the Execution of which, the Councils and ancient Popes have so often recommended, and according to which the Bishops ought to be judg'd in the first place, by their Brethren in their Provinces) do likewise merit the Esteem of the Assembly, which finding it self animated by the same Spirit, that caused that of 1650. to signify, the Twenty third of November the same Year, to the Popes Nuncio that famous Protestation, which we have in our Verbal Processes, ought, in our opinion, to declare, That it cannot in the least depart from the generous Sentiments of our Predecessors, contain'd in that Protestation, and in the Letter which the said Assembly wrote to Innocent the Tenth.

These two Maxims are so Canonical, and so conformable to the Spirit of the Church, and to the Sacred Rules establish'd in Ancient Councils, and authorized by the Holy See, that we cannot believe the Pope's Intention was to condemn them, nor that his Holiness thought that his Censure of the Eighteenth of December last could do them the least hurt.

Though this Brief, being not cloath'd with all the Formalities used in France, cannot be executed there; yet the profound Respect which we have for the Holy See, and for the Person of our most Holy Father the Pope, having oblig'd us to search what might move his Holiness to dispatch it, we think that certain Expressions that have escaped the Author, employ'd to refute the Objections that were oppos'd to so Sacred a Decree, may be rectified. That, having



ving commended the Diligence of the said Monsieur Gerbais, and his Zeal in defending the said Two Maxims, which are of so high importance to the Church of France, the Assembly should order him to take some pains about publishing a second Edition of his Book; in which he shall correct what shall be marked by the Lords Commissioners, who have read and examined his Book with great care and application.

Signed thus, *That the Causes of the Bishops*

Er, Archbishop of Paris.

Charles M. le Tellier, Archbishop, Duke of Reims.

Charles Archbishop of Ambrun.

Hyacinthe Archbishop of Alby.

Henry de Laval Bishop of Rochelle.

Gabriel Bishop of Autun.

E. Bourhillier Bishop of Troyes.

## An Exposition upon my Book of the Canonical Judgments of the Bishops.

I Thought I had used all the Caution needful, not only by the Preface of my Book, but by divers Protestations in the Body of the Work, to secure my self against all sorts of Reproaches. I thought likewise, that an Author who continually declares that he will never go about to establish any Doctrine, or Rule of Discipline, confining all his Contemplations to the meer examination of Fact, without inquiring into matter of Right; I thought (I say) that an Author that writes thus, needed not be oblig'd to defend his Doctrine.

But having been inform'd, That in the Assembly of my Lords the Prelates, the Nineteenth of March last, in which my Lord Archbishop of Paris, my Diocesan, was President, complaint was made, That in my said Book there were some Maxims that did injure the Liberties of the Gallican Church, and some Expressions by which, as was reported, I had been wanting in my Respects to some of the greatest Prelates of the Church (things as far from my Intention, as they are from my Duty),

and

and

and having in my heart no other Sentiments but such as are full of respect toward so August a Body, with a reverend esteem of those whom God has set over me, in quality of my Ecclesiastical Superiours: I entreat them to permit me to explain to them my Sense of the following Propositions, with all due Canonical submission.

The Opinions with which my Book is charged, are, as I am told, reduced to Five Heads, viz.

1. That the Causes of the Bishops ought to be first tried by the Holy See.
2. That the Popes have Right to retain to themselves, or to send back into the Provinces, the Causes of the Bishops of France.
3. That Councils can do nothing in Matters of Faith and Discipline, without the Pope's Concurrence.
4. That the Holy See is the Source of Priesthood.
5. That the Pope is Infallible in Matters of Fact.

To destroy the first of these Opinions, that are father'd upon me, by some Reflexions I have seen, you need only read my Book, and then it will appear, that I have no other Design in this Treatise, than to confine my self to the Case of an Appeal brought before the Holy See, concerning the Sentence given against a Bishop by the Synod of the Province. And though I would not so much as examine in my Book, Whether the Pope had Right to depose a Bishop, as his first Judge: yet I have formally declared the contrary, in express Terms, in page 22. viz. That the Synod of the Province must necessarily be the first Judge of the Bishops: Which Doctrine is dispers'd throughout the whole Sequel of my Book.

In answer to the second Tenet whereof I am accus'd, viz. That the Pope has Right to determine, either by himself, or to send back into the Provinces, the Causes of the Bishops of France; I say, That you need only read the Three Propositions I have made, the very words of which I shall here repeat: The first of them is page 698. But before I enter into this particular Examination, I must caution the Reader, That my intention is not, in the least, to maintain, That whatever course the ancient Popes took, when they were to direct the Judgment of a Bishop of France; yea, notwithstanding any Right which they pretended to herein; my intention, I say, is not to maintain, That this Usage, or this Pretension, may be drawn in to consequence at present; or that it should serve for a Precedent or make

make a Law now. I here declare positively, That my Design is not any way to enter into the Question of the present Right; I limit my self entirely to a single Question of Fact; I follow my Author step by step; I examine, with him, that which pass'd under the Government of those Popes, and what Interpretation they gave to the Canons of the Council of *Sardica*. I shew what their Pretensions were, when they spake or acted about suing a Bishop: And if I draw any Consequences from these Instances, it is in opposition to such Consequences as the Author would needs draw from them; but without pretending, that they ought to serve for Rules now. The truth is, I know, that in a matter of Discipline, as this is, the latest Laws may derogate from the most ancient. And, in a word, I am a *Frenchman*, and the love of Truth, as well as of my Country, obliges me to maintain our true and real Liberties.

*The second is, in page 750.* I cannot but repeat here the Declaration I have divers times made in the preceding Chapter, touching the End I propos'd to my self in this Work: for I should be much troubled if it should be misinterpreted, and that, for want of understanding it, a Question of Fact, and a meer Criticism, should be made a Question of Right. Wherefore I here repeat it the third time, That my Design is, not to establish Rules for the present Discipline of the Church of *France*; That I do not so much as pretend to bring any Precedent for it; and, That I wholly tie my self to the Examination of Points of History, reported by the Author, and the Reflexions he has drawn from them, without the least intention of entring upon the Question of Right.

*And the third is, in page 852.* I am here oblig'd, by the quality of the Matter I am treating of, to renew, once more, the Protections I have made in the preceding Chapters, that so none may doubt the Integrity of my intention, which is not to debate the Question here, Whether the Pope may judge, in *Rome* it self, the Causes of our Bishops? or, Whether he ought to remit the Cognisance of them to be tried upon the Place? There needs be no question about that, upon my account: And the advantage of my having been educated in the Bosom of the Church of *France*, engageth me too deeply in her Interests, to suffer me to conspire against those Liberties of which she has always been so jealous. I know that one of her chief Liberties is, that the Subjects of *France* cannot be compell'd



pell'd to be tried out of the Kingdom; and it is enough for me to  
 know the Law, to oblige me to an entire submission to it. I con-  
 clude then, That the Pope ought to remit to the Judges of *France*  
 the Cognisance of Causes which concern the Bishops of that King-  
 dom, &c. *Alotbinks*, after such Declarations, no man can, in justice, father  
 upon me an Opinion, contrary to the Rights of the Kingdom, and the true  
 Liberties of the Gallican Church: and I am sure I never design'd to  
 write any thing in my Book, which might prove contradictory to those  
 three Declarations. Much less do I assert in my Book, That Councils can do nothing,  
 either in Points of Faith or Discipline, without the Pope's Consent,  
 as is laid to my charge: For it may be said (and I always thought so  
 till now) that my whole Book is a Proof of the contrary: and indeed, a  
 man that is in his wits must confess, that he cannot prove, that the Pope  
 can, by Appeals, take cognisance of Judgments given against Bishops by  
 Provincial Councils, but he must at the same time attribute to such  
 Councils the Authority of the first Judging and Condemning of Bishops,  
 without the Pope's Consent. So that all I design'd to say in those Pla-  
 ces, whence some would infer this Doctrine, is nothing but this, That  
 the Concurrence and Conjunction of the Head of the Universal Church,  
 is necessary, that so the Decree of a Provincial Council may serve as a  
 Rule for the whole Church. And I freely declare, That the Bishops are  
 the undoubted true Judges of Matters of Faith and Discipline, debated  
 in all Councils, whether Particular or General: So that in page 492.  
 where it is said, That the Holy See hath a Judiciary Power over all  
 Churches, to make void or confirm the Judgments of all Synods;  
 in stead of the Word over you must put the Word in, which expresseth  
 better my true meaning; and by the Words of all Synods, I only in-  
 tended to say, of particular Synods. The fourth Proposition, by which (as is reported) I said, That the  
 Holy See is the Source of the Priesthood of Jesus Christ, is solely  
 founded on the Words of St. Cyprian, mentioned in page 9. of my Book,  
 Unde unitas Sacerdotalis exorta est, which are there so translated as  
 to make us believe, that the Holy See is the Source of the Priesthood of  
 Jesus Christ; but page 228. of the said Book, where the same Words  
 of St. Cyprian are again recited, corrects the mistake of the Printer,  
 who had inserted in the page 9. the Word Unity, which is in page 228.



For he must have Sentiments far different from those I now have, and ever had, who will say, That Episcopacy had not its immediate Original from Jesus Christ; since I never any more doubted the Divine Right of Episcopacy, than of the Primacy of the Holy See, granted by Jesus Christ to St. Peter and his Successors.

As to the fifth and last thing objected against me, viz. it is pretended that I broach some Maxims in my said Book, from which may be inferr'd, That I would establish the Infalibility of the Pope in Matters of Fact; I protest, that I could not read this Remark without astonishment, that so strange an Opinion should be charg'd upon me: for it cannot come into the Imagination of a man of Sense, to attribute to the Pope such an Infalibility, as cannot be attributed to the Church Universal. Dated at Paris, April 24. 1681.

Signed,

DAVID.

This Writing being read, the Archbishop of Reims continued his Report, and said,

My Lords,

That which remains of the things you appointed us to examine, relates to the two Briefs which the Pope wrote to the Nuns of *Charonne*; to that which ordains the Suppression of the Sentence of Parliament, of the Twenty fourth of September last; and to those sent by his Holiness, at several times, to the Archbishop of *Toulouse*, to the deceased Bishop of *Ramiez*, and to the Chapter of that Church since the Death of its Prelate. Your Commissioners, My Lords, have executed your Orders with such diligence, that having had the Advantage of their Experience, Pains, Learning, and Knowledge, (as I have already had in the Business of the *Regale*) it will not be difficult for me to give you an exact Account of these Matters.

I begin with the Business of *Charonne*. This Monastery, being of the Order of St. *Augustine*, of the Congregation of our Lady, was founded in 1643. by the deceased Dutchesse of *Orleans*, the

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King's

King's Aunt. This Princess desired of the Pope, that the first Abbess might be continued for her Life; which was granted by his Holiness. When this first Abbess was dead, the King nominated for this Monastery a Nun of the Order of *St. Benedict*, who dying before she had received her Bulls, gave his Majesty the opportunity of a new Nomination, in favour of *Mary Angelica le Maistre*, a Nun of the Order of *St. Bernard*, whom the Archbishop of *Paris* thought fit to establish Abbess of that Convent in 1679.

*My Lords*, What I have said to you of this matter, is not (as you will easily believe) in the least to inquire into the Proceedings of the Archbishop upon this occasion; we are not Judges of it; or, if we were, we could not pronounce Sentence in the Case, till we ourselves had proceeded so far as to have been capable of giving Judgment. We are confident that the Archbishop did not make so great a Change in that Monastery, but because he found no other way of providing for all his other Concerns; and that in the whole Business he did nothing but what is agreeable to the Canonical Rules, which he understands perfectly well.

The Briefs which the Pope hath written to these Nuns are contriv'd in such a manner, and the Nature of them is so prejudicial to our Rights, that were the Archbishop of *Paris* as much in the wrong, as has been suggested to his Holiness, yet these Proceedings, which injure our Maxims, would as deeply engage us to defend our Authority, which is thereby manifestly exposed.

The first of these Briefs is of the Seventh of *August*, the last year; and it dissolves all that has been done in placing *Mary Angelica le Maistre* Abbess at *Charonne*; it commands the Nuns of that Convent to chuse another Abbess, and forbids them to obey her whom the Archbishop of *Paris* had placed over them. These Nuns, instead of giving her notice, and receiving her Orders, (as they were oblig'd to have done by the Seventh Chapter of their Constitutions, and by the Brief too: which obliges them to proceed to the Election of a Triennial Abbess, *juxta Regularum prescriptum*) elected, in execution of this Brief, *Anzelica Katherine L' Eveque*, and that in a most scandalous and precipitate manner.

The News of this Election being arrived at *Rome*, the Pope's Officers dispatch'd to them, the Fifteenth of *October* following, a second Brief,

Briefs, more irregular than the first. For, because it was well known, that this Election was contrary to all Rules, by this Brief the defect of all Formalities is supplied, the Election of *E. Evelyn* is confirm'd, and, if it be necessary, the Pope elects her for three Years.

Thus you see, *My Lords*, that by these two Briefs, granted upon the bare Relation of the Nuns, in their own Cause, is vacated all that their Archbishop has done, without summoning or hearing him, and without any Complaint moved to him by Appeal, or upon denial of Justice. The Pope judgeth this Business, *ultra modum*. How could the Archbishop of *Ely* take cognizance of it, seeing no application had been made to him about it, nor had he heard any thing of it, but by the noise it has made in the Kingdom? His Holiness remits not the Judgment *in personam* to be tried upon the Place, as he is oblig'd to do by the Treaty, in the Chapter of *Avinion*. He confirms, *autoritate apostolica*, an Election made in a Convent, without the Concurrence of the Ordinary, who is their immediate Superior. He supplies all Forms, even such as are Essential, which may have been omitted. By reason of this Clause, inferred in this second Brief, it has been pretended, that the Pope had power to supply all, yea, the want of that Knowledge of a Matter which is absolutely necessary, even by the Law of Nature, before it can be judged. This is intolerable, and of very dangerous consequence. For, if these Principles were once established, what would become of the Rules prescrib'd in the Canon Law about Elections? What would become of the Legal Jurisdiction of Ordinaries? The mischief done by these Briefs is too great to be dissembled. No, *My Lords*, we ought not to suffer, and not complain of it, one of our Brethren to be deposed of his Authority, when no Canonical Judgment is given against him; when he is not legally suspended from his Functions, in the due Forms used in this Kingdom; and when we see that he has not been guilty of any criminal Neglect in this Business, which is the Subject of this Contest.

The Original of the former of these two Briefs having been, by the King's Order, put into the Attorney-General's Hands, he went to the Court of Vacations, where, at his demand, the Decree of the Twenty-fourth of September last, which you now have in your hands



study, was made. This is the Decree which is order'd to be suppress'd, by a Brief dated the Eighteenth of *December* following, His Holiness, by this Brief, *Motu proprio, & Apostolice potestatis plenitudine*, forbids the reading of it, upon pain of Excommunication, and commands the Bishops, or Inquisitors, to burn all the Copies of it, which he requires to be put into their Hands.

Never was the like Event heard of, though in Affairs of greater importance. The Memory of *John Chastel* cannot be renewed without horror: The Sentence pronounc'd against this Parricide did no less mischief to the Court of *Rome*, than did this of the Twenty fourth of *September*; and yet they were content to put it in the *Index*. If this Dealing should be tolerated, our Maxims would at last be forgotten: for while we are thus weakning the Decrees that should be made in Parliament for their preservation, or for the punishing those *French* who should be so bold as to attack them, they would insensibly put themselves in a capacity at *Rome* to deprive us of one of the chiefest Props we have in the Kingdom, for supporting us in the execution of the ancient Canons, and in the use of common Right.

We ought, even for our own Interest, to take part in what concerns that Illustrious Company: Is not our Jurisdiction continually preserv'd thereby; so that we should think our selves happy, if the other Sovereign Companies would, in the Judgments they give of our Affairs in their respective Jurisdictions, follow the Example of this first Parliament of the Kingdom? Do we not likewise, upon all occasions, draw much Assistance from the great Knowledge and good Inclinations of Mr. Attorney-General, who, in his Learned Discourse, has very well defended our Jurisdiction and Liberties?

The Briefs which the Pope has written within these two years, to the Archbishop of *Toulouse*, to the Bishop of *Pamiez* deceased, and to the Chapter of his Church since it has been vacant, ought to be look'd upon but as one and the same thing, seeing the Dispute about the *Regale* has caus'd them.

You know, *My Lords*, that the deceased Bishop of *Pamiez*, refusing to submit to the Declarations of 1673. and 1675. made several Processes against such Clergy-men as possessed, by vertue of the *Regale*, some of the Prebends of his Church, which the Archbishop of

*Toulouse*

*Toulouse* made void, upon the Appeals that were brought before him. That Prelate deceasing the Seventh of *August* the last year, the old Canons Regular of his Church elected, after his death, some Officers to govern it. These new Officers continued against the *Regalists* the Processes which the Bishop of *Pamiez* had begun; and the Archbishop of *Toulouse* having made them void, they did, it's probable, make their Complaints to the Pope, who wrote two Briefs, one to the Archbishop of *Toulouse*, the other to the Chapter of *Pamiez*.

We need not take much notice of these two Briefs: The former contains only an Exhortation to the Archbishop of *Toulouse*, in which particular no man can, or ought to dispute the Pope's Right; we are inform'd that he answer'd his Holiness with all due respect: And as he believes that he had done nothing against the Rules, so we doubt not but he took the liberty to mind his Holiness, in *Apostolicorum virorum literis raro, & magna necessitate sendas oburgationes*. That of the Twenty fifth of *September* last, directed to *Michael d'Auburade*, and to the Canons of *Pamiez*, animates them to follow the great Example of their lately deceased Bishop, and to preserve the Canonical Liberties of their Church.

The Brief of the Second of *October* following, directed to the Chapter and Canons Regular of the Church of *Pamiez*, contains Passages more considerable: By this Brief the Pope confirms the Officers nominated by the Chapter, and engageth to confirm such as may be chosen; he forbids them to own any others; he declares null whatever shall be done by Vicars-General, which shall not be chosen by the old Canons, and orders this Brief to be read in the Diocese of *Pamiez*.

Can they who contriv'd this Brief be ignorant, that there are some Cases in which the Archbishop ought, by the Canonical Rules, to provide for the Government of a Church that is vacant in his Diocese? But though the Archbishop of *Toulouse* had not exactly follow'd the Rules in the course of this Affair, and had committed all the Faults with which his Adversaries charge him, should he not have been summoned and heard? Could this Dispute be decided without examining his Proceedings? And should it not have been considered, that in binding his Hands, which was endeavour'd to be

be done by this Brief, this Diocese would be expos'd to remain without Officers to govern it, all such as the Chapter had nominated not being capable of exercising their Functions, by reason of some Events, in which the Archbishop of *Toulouse* had no hand. All these Proceedings are contrary to Equity, and to all the Rules of our Profession; they are also contrary to the expresse Tenour of the Treaty: for, without any Process upon the Place, the Orders are abrogated at *Rome*, which the Archbishop of *Toulouse* had made, for execution of the Rules of the Church.

The Brief, of last *New-years-day*, is more extravagant than all the others. We cannot imagine how any one durst publish it in the Popes name, I say, in his name, because we ought to believe for our comfort that it was dispatch'd without any expresse Order from his Holiness.

This Brief confirms a second time, the Officers elected by the Chapter, and declares that the Pope will confirm such as this Chapter shall elect; as if it were reasonable to believe these old Canons infallible, at a time, when by the effect of the most extraordinary prevention that ever was heard of, their Metropolitan is used in a manner so unworthy his Character, that the justest things he could do are condemn'd before hand. Upon this principle, the Canons that are Regalists (who are termed Intruders); and the Archbishop of *Toulouse*, are prohibited by this Brief to nominate Grand Vicars; all that the Grand Vicars, nominated by them, should do, is abrogated, and declared null; they are prohibited upon pain of excommunication to make use of that nomination; and in case they shall make use of it, they are deprived of their Benefices, and made incapable of enjoying any others. Yea it goes farther; for it Excommunicates with a greater Excommunication (which is to be incur'd *de facto*, or immediately, without any other declaration) all such as shall favour these Grand Vicars, or the Metropolitan himself. And to put a better colour upon the business, and to fill the faithful of this Diocese with fears, and scruples, the following Clause is added, *viz. Mentes insuper utriusque sexus fideles (de quorum salute solliciti esse debemus) iuvantes esse, ad fore confessiones, quas Presbyteri seculares, vel regulares, vigore facultatis, a predictis nulliter electis, vel deputatis Patribus, eundemque*



vel in posterum audient, nulla, & invalida matrimonia coram Sacerdote non Parocho Canonice ingresso, contracta vigore licentie ab eis concessæ: ac proinde sic contrahentes in concubina victuros, idemque de Parochiis, & aliis beneficiis per eos collatis, decernimus, & Ordinamus; & de licentijs concionandi, & de quocunque alio actu, aut decreto per eos facto, vel faciendo.

This clause tends only to the erecting of two Altars in one and the same Diocess, and to stir up the Schisms, and Divisions in that of Pamier, the fire of which will not perhaps be alterward extinguished without great trouble.

Without doubt he that contrived this Brief, did not reflect on the conduct of *John* the Eighth in Judging matters that came to his cognisance; *Nos qui Sacerdotum Dominus*, sayes this Pope, *Matura volumus esse Judicia, nihil possumus in cujusquam partis præjudicium definire, priusquam arrivessa, quæ gesta sunt, veraciter audiamus.* He is far from this moderation; for, by this Brief, he makes the Pope abrogate the power of the Officers, nominated by the Arch-Bishop of *Toulouse*, without hearing them, or without examining the motives that induced this Prelate to entrust them with such a power; and he deprives of their Benefices those Clergy-men, who exercise an Office, that may, in certain Cases, be bestowed on them by their Metropolitan, in execution of the Canons. In fine, an Arch-Bishop is Excommunicated; so terrible a Sentence is pronounced against him; without either sitting, or hearing him; *Grandis criminis*, said *St. Bernard*, speaking of one of my Prodecessours, *luit penas, nullius confessus, nullius convictus.* Is not the Arch-Bishop of *Toulouse* at present in a condition to make the same remonstrances to the Pope which *Alberon* Arch-Bishop of *Triers* once made to *Innocent* the Second, *Vires quas mihi subtrahitis, volis minuitis; & contemptus meus, ac dejectio mea redundat in vos?* And all this proceeding is made at *Rome*, without remitting the business to be tryed upon the place, as by the Treaty the Pope was obliged to have done.

Although it was believed in the Council of *Basil* and in the Assembly of the *Gallican* Church held at *Bourges* in 1458, that the Pope might for weighty reasons, retain some Causes, and try them at *Rome*, yet *Leo* the Tenth by the Treaty renounces this Clause,  
which

which is so favourable to the Holy See, and might have served for a pretence to the proceedings made at *Rome* in the present affairs. This Regulation, which prescribes that Ecclesiastical matters shall be Judged within the Kingdom, is not a Discipline peculiar to the Treaty: We see in the Fortieth Session of the Council of *Constance* that that Sacred Assembly had a design to reform the abuses committed in the judging of affairs, which were drawn to *Rome* from all parts, upon pretence of Appeals: the Council of *Basil*, in its Thirty first Session, being animated by the same Spirit, did execute what that of *Constance* had projected; and we have the Canon of this Council entire in the Title *De Causis*, in the Pragmatick Sanction.

It is very sad, *My Lords*, that we should see the Church of *France* so extraordinarily ill treated in our days; and we ought to be the more concern'd at it, because an example of this nature, under the Government of a great Pope, for whom both we and the whole Church have so much respect and veneration, would in the end do us a great prejudice, if, to stop its course, we should not take the Liberty to beseech his Holiness, to reflect upon the Address which 217 Bishops of *Africa*, assembled at *Carthage*, made to Pope *Celestin*; *Quia & nulla Patrum definitione hoc Ecclesie derogatum est Africanæ, & Decreta Nicæna, sive inferioris gradus Clericos, sive ipsos Episcopos suis Metropolitanis apertissime commiserunt; prudentissime enim, justissimeque viderunt, quæcumque negotia in suis locis, ubi orta sunt, finienda.*

But, *My Lords*, those things in the Briefs which injure the Rules of the Church, will appear to be yet of a more dangerous consequence, when you shall reflect on the Maxims that are published to maintain them.

That *Italian Piece*, which seems to be an Apology for the Briefs of *Charonne*, and for that which Orders the Suppression of the Decree of Parliament, supposes that the cognisance of that matter belonged to the Pope, because it is one of those Causes called *Major Causes*: The Concordat, (or Treaty 'twixt the Pope, and the King) is there mention'd as an Act of meer favour, granted by *Leo* the Tenth to *Francis* the first; and it is affirm'd, That the Court of *Rome* would not be much concern'd if the said Treaty were

were to put in execution no longer, because then the Pope would have the advantage, as he has in *Germany*, of confirming Elections. This Writer goes yet further; for he calls *Hereticks* those that assert, That we hold our Authority immediately from *Jesus Christ*, and not from the *Pope*; and to convince herein, as he saith, the most incredulous, he gives no other Proof of his Proposition, than that which is drawn from the Terms in which our Bulls are written, and yet we did not commonly take them at *Rome* before the Treaty.

Frier *Cerle*, or rather they that durst make those Orders and Seditious Letters, that appear in his Name, do find that this Doctrine is very convenient for them, in order to the resisting the Authority of a Metropolitan. To justify the Attempts made against him, they boldly affirm, That the Pope is not oblig'd to execute this Treaty; that his Holiness can give it what Interpretation he pleases; and they ascribe to the Holy See an Authority above that of the whole Church, contrary to the Decisions of the Councils of *Constance* and *Basil*, received and authorised by the Church of *France*. We have a fair Monument of the Reception of the Doctrine of these two Councils, in a Letter dated at *Trent* in 1563. from that great Cardinal *Charles* of *Lorraine*, my Predecessor; in which boasting (at a time when he was at the height of his Preferments) that he had been educated in the University of this City, he scruples not to tell Pope *Pius* the Fourth, That the *French* were so wedded to this Doctrine, that he thought it more easie to destroy them, than to force them to all contrary to it.

The Pope is above all Bishops; he is the Head of the Church, the Centre of Unity, and he hath over us a Primacy of Authority and Jurisdiction, which *Jesus Christ* gave him in the Person of *St. Peter*. He that consents not to these Truths is a Schismatick, yea, I may say, an Heretick: But he asserts a Catholick Verity, who says, That Episcopacy derives its Authority and Jurisdiction from the same Original, and that *Jesus Christ* gave immediately to Bishops their Divine Power in the Person of the Apostles; which *St. Paul* openly takes notice of, by assuring us, that they are establish'd in the Church by the Holy Ghost, *Attendite vobis, & universo gregi, in quo vos Spiritus Sanctus posuit Episcopos, regere Ecclesiam Dei.*

I should abuse your Patience, *My Lords*, if I should prove the truth



truth of this Proposition, as I could easily do, by Universal Tradition: It will be enough to mind you, That *Bonaventure Chassaring*, a Recollet Prier, having promoted the same Doctrine, concerning the Original of our Jurisdiction, which is contain'd in the *Italian Paper* aforesaid, his Book was censur'd by the Assembly in 1650: *John Bayot*, a Jesuit, was compell'd to explain in the same Sense, what he had written on the same Subject, in his Book entituled *A Defence of Episcopal Right*, to avoid the Censure of the Assembly in 1655. The Faculty of Theology of this City, that famous Society in which most of us have been educated, did the 24th of May, 1664, censure Ten Propositions contain'd in the Book of *James de Kervan*, who reviv'd this Doctrine, which they had condemn'd upon divers occasions, ever since the Year 1429. These are the Words of the Censure: *Hæ Propositiones, quarum duæ priores asserunt, Apostolos non fuisse constitutos Episcopos à Christo; cæteræ vero potestatem jurisdictionis ipsorum non esse immediatam à Christo, falsæ sunt, verbo Dei contrariæ, olim à Sacra Facultate reprobata.*

The Maxims of this *Italian Paper*, touching the Order of the Proceedings, are no less irregular than the Doctrine by which the Author endeavours to justify these Briefs, which hath no other Foundation than Ignorance and Flattery.

The *major* (or greater) *Causæ* which are reserv'd by the Council of *Basil*, by the *Pragmatick Sanction*, and by the Treaty, are not things that depend on the caprichio and levity of these Writers; nay, they ought not to become *Major* when the Pope shall desire it; they must be expressly contain'd in the Canon-Law. *Omnes quæcumque Causæ, exceptis majoribus, in jure expresse denominatis.* And *Cerle*, the Author of this *Italian Piece*, and his Accomplisges, shall seek, in vain, a Canon, or a Decretal in the Canon-Law, which mentions, as a *Major Cause*, any one Business of the nature of that of *Charonne*, or *Pamiez*.

Their Ignorance is as gross, when they pretend that the *Concordat* or Treaty aforesaid is nothing but a Grace of *Leo* the Tenth, the force of which may be abated by his Successors, when they shall find it for their Advantage: For, the *Concordat* is a Treaty, concluded 'twixt *Leo* the Tenth and the Holy See on the one part, and *Francis* the First and his Kingdom on the other part, for them and their Successors,

cessors, which the Pope caus'd to be confirm'd (as he oblig'd himself to do) by the Council of *Lateran*, which was then assembled; and the King caus'd it to be published, and register'd, as he was engaged to do. Now it may easily be known (by the trouble that *Francis* the first had to make good his Promise) what Opinion the People of *France* had of this Treaty, which must, forsooth, be taken for a great Grace of *Leo* the Tenth, though we can prove that the Holy See has had by it many considerable Advantages. Was not the use of *Annates*, which had been abolish'd by the *Pragmatick Sanction*, and Council of *Basil*, reviv'd after this Treaty? Are not the Preventions for the Collation of Benefices tolerated, to the great prejudice of Ordinaries? Is not the Collation of full Right, of all such as shall be vacant in *Curia*, reserv'd by the Pope? Upon what then is founded the Conceit of the great Liberty of *Leo* the Tenth in this Business? And how dares any man affirm, That the Pope can debilitate that, which being authoris'd by both Parties, is become a Law both in Church and State?

But though this Maxim were true, yet it cannot from thence be infer'd, That, when Elections are once establish'd, the Pope has any Right of confirming them, as in *Germany*: For, who can be ignorant, that what is practis'd in *Germany* in this Case, is only founded on the *German Concordat*, or Treaty, made in 1447. between *Nicholas* the Fifth, and *Frederick* the Third, which is peculiar to that Nation? But if the Pope should (which is not possible) abolish the *Concordat* in *France*, we must look back to the *Pragmatick Sanction*, by which we have the Right of Elections; and by the Tenour thereof all the World knows, that the Pope was restrain'd to the confirming only of Abbots exempt, or of Prelates immediately subject to him, or in the Elections of whom there had been any Contests, which had been carried to the Holy See by degrees.

To all that I have said, I add, That though the Pope, according to the intolerable Pretence of these Writers, had a Right to derogate from the *Concordat*, yet he must, to put some colour on his Proceedings, insert in the Style of the *Roman Court*, a particular Clause in his Briefs, by which it might appear, that his Holiness derogates expressly from the Council of *Lateran*, which hath approv'd the *Concordat*, as also from the *Concordat* it self; according

to the *Maxim of Honorius the Third*, which is authorized by the Canon-Law; *Cum id obisset Lateranensi Concilio, de quo nulla esset mentio in literis ante dictis, fraternitati tue breviter respondemus quod huiusmodi literas ab Apostolica Sede non credimus emanasse; quod si per occupationem emanaverint, nolumus per hoc derogari Concilio supra dicto.*

And though the Pope did not approve the Proceedings of the Archbishops of *Paris* and *Toulouse*, in the Cases of *Charvonne* and *Parniez*, yet their pretended Faults did not give his Holiness any Right to injure the Church of *France*. To bring back these Prelates within the Rules, he should not himself have gone out of them; since nothing can more effectually induce us to execute them, than his Example: *Dominentur nobis regalia, said Pope Celestin the First, non regalis dominemur; finis subjecti Canonibus, cum Canonum precepta servamus.*

*Nicholas the First* treated not *Elincmar* as our Brethren have lately been: That great Pope would not judge at *Rome* the Complaints that were Brought to him against that Archbishop, by some of the Clergy of his Diocese: He had Charity for those Clergymen; and, withal, honouring the Dignity of a Metropolitan, he remitted the Business to be judg'd within the Kingdom: *Verum nos nec hos intus iustificamus, nec per hoc quemlibet condemnamus, nec facile vocem istorum spernimus, nec reverentiam tuam improvide reprehendimus: illud quidem, ne obturare aures ad clamores pauperum, id est, humilium dignoscatur: hoc vero ne de incognitis immature iudicare quidpiam videamur.*

But such things have not been done at *Rome* in our days onely; *St. Bernard* in his time complains of the like, to *Eugenius the Third*: *Quousque murmur uniuersæ terræ, aut dissimulas, aut non advertis? quousque dormitas? quousque non evigilat consideratio tua, ad tantam appellationum confusionem, atque abusionem, quæ, præter ius, & ius, præter morem, & ordinem sunt? non locus, non modus, non tempus, non causa discernitur, aut persona.*

The Rules of which *St. Bernard* speaks to the Pope, are almost as ancient as the Church; which may easily be proved by the Fifty fifth Epistle of *St. Cyprian*, by the Councils of *Nice*, *Antioch*, *Sardica*, and *Chalcedon*: The Popes have authorized them; they are published,



lish'd, and executed throughout the Kingdom: So that we cannot be insensible of the hurt that is done to these Rules; yea, we may justly fear lest so dangerous a Doctrine as this, which is made use of to assault them, should at last, by degrees, be establish'd; and that the Progress which it will insensibly make, should animate the Officers of the Court of *Rome* to design continually upon our Jurisdiction; and to overthrow the Canonical Rules, which are the Foundation of our Liberties.

The Right of Ordinaries is violated by these Briefs, sith an immediate Jurisdiction is exercised in their Dioceses: Nor has that of Metropolitans been any more regarded; for they are deprived of what belongs to them; they are excommunicated without any formality; their orders are abolish'd without hearing them, and all is declared nul, that is done by such Officers as they thought fit to establish in execution of the Canons. In short, the whole Kingdom suffers visibly in these proceedings, by the Judgment given at *Rome*, of matters which should have been sent back to be tryed upon the place, according to the *Concordat*, which, as I have already observed, is become a Law of the State.

When the Pope has reflected on the confusion, which his Briefs may bring into the Church; and on the wrong which his Holiness has done to all the Bishops of the Kingdom, in the person of two of their Brethren, we may hope from his piety and Justice, that he will take it well if we put him in mind of what *St. Bernard* wrote; in one of his Letters to *Innocent the Second*, *hoc solet habere praeceptum Apostolica sedes, ut non pigent revocare quod a se forte deprehenderit; fraude elicitum, non veritate promeritum: Res plena aequitate, & laude digna, ut de mendacio nemo lucretur, praesertim apud Sanctam & summam Sedem:* and that as soon as our complaints shall come before his Tribunal, he will have that goodness to answer us in the sense of those excellent words of *Alexander the third*. *Patienter sustinebimus, si non feceritis quod prava nobis fuerit insinuatione suggestum.*

My Lords, By the Report I have made, you have heard the reflections of your Lords Commissioners upon all that you order'd them to examine; nothing now remains, but that I should declare the resolutions, which they think may be taken in so important a conjuncture.

We

We have consider'd that you might write a Letter to the Pope, as has been done upon other occasions, wherein you might take the Liberty to represent to him, that the business of the *Rogals* deserved not that his Holiness should have carried things so High; that the heat which appears in his Briefs, and the noise they have made, are capable of making dangerous divisions, and to expose the authority of the holy See in a business, which all the King's Officers look upon as a temporality, and of it self is of no great consequence to the Church, that by the Briefs, directed to the Nuns of *Charonne*, and Chapter of *Pamiez*, the order of Jurisdictions has been disturb'd, the right of Ordinaries, and Metropolitans violat-ed; that he has been exalted above the Canonical Constitutions; and that these designs against Rules, the most Sacred, are capable, in the opinion of St. *Leo* to weaken that union which the Churches of *France* ought inviolably to keep with the holy See; *quoniam universa pacis tranquillitas non aliter poterit custodiri, nisi suis Canonibus reverentia intemerata servetur.*

We have also consider'd, that though these remonstrances be very just, and well grounded, yet they might not perhaps be received as the voice of the whole Church of *France*; however we are not ignorant that the Bishops may in all places where they are, be consulted about the affairs of Religion; that they have right to give answers, to censure Books, to form Decisions, and to take care of those Churches that implore their protection. It is certain that, without having regard in these matters to the usages, and customs of other Churches, or the examples, which Ecclesiastical history affords us, what has been done in our daies about the Book of *Jansenius*, and the first resolutions that were taken to stifle that heresy, do justify the power of such an Assembly as ours is, even to the Pope himself, who could not blame our proceedings, unless his Holiness would, at the same time, declare against all that has been practis'd in this case, and approv'd by his Predecessours.

But since it is our business at present to discover the injuries lately done to the Church of *France*; to manifest to all the World, and to represent to posterity the designs, and enterprises we so justly complain of; they who by their craft, have engaged the Pope to write all these Briefs, might perhaps, persuade his Holiness that

whatever

whatever you should take the liberty to write to him had been suggested to you by the impressions of the Court, and that flattery had a greater share in your resolutions than the reflections you had made upon your duty, and obligations.

Besides, though Episcopal charity, which so strictly unites all the Prelates of the Kingdom, might induce our Brethren, that are in their Dioceses, to approve all that has passed in your Assembly, yet the present affairs being very considerable, and they being equally concern'd therein, they might, perhaps, have taken it ill, if any resolutions had been taken, without their advice, and consent: yea methinks I hear them; and that to let us know the just motives of their complaints, they borrow the expression of an ancient Assembly of Bishops: *Non praerogativam vindicamus, sed consortium tamen debuit esse communis arbitrii.*

If your Letter should not have the success which might be expected from the Justice of our Cause, and of the Pope, who could, *My Lords*, be capable of following this business? You will immediately return to your Dioceses; the answer which would come from *Rome* would fall into the hands of our Brethren, that should then be in this City, who could not without difficulty, be able to determine a business which had not been begun by themselves, and in which your first Proceedings had not been concerted with them: I may farther add, *My Lords*, that if things should grow hotter, and that they should continue at *Rome* to proceed so prejudicially to our Rights, and authority; your Assembly, as wise as it is, would not be powerful enough to find remedies, effectual for all that might happen in the Course of an affair, which may have great events.

Upon these grounds, and particularly upon this Maxim of Pope *Celestin*, authorized in a general Council; *quia omnes debent nosse quod agitur, quoties omnium causa tractatur*, we believe the course you have to take in this business is, to desire the King that he will be pleased to permit you to meet in a National Council, or at least to call a general Assembly of all the Clergy of the Kingdom, where the Church of *France*, being represented by her Deputies, may discuss these matters, speak so loud that she may be heard, take resolutions, and hope that her complaints, and remonstrances will be regarded.

And



And that it may not be publickly charg'd upon you that you wanted constancy in such a business as this; and that People both at *Rome*, and throughout this Kingdom may not believe that you will not determine what we take the liberty to propose to you, (if you believe that you ought to do it) because *plenitudinem consacerdotum nostrorum, sicut ipsa necessitas exposcebat, non habuistis*: we think that you ought to cause to be Printed an exact Verbal Process of all that has passed in the several Sessions of your Assembly, and to appoint your Agents to send it to all the Prelates of the Kingdom; so being inform'd, by the said Verbal Process, of the things that have been proposed to you, of your conduct, and of your sentiments, they may, in the Council or Assembly, which you shall desire of the King, the more easily be able to take such advantageous resolutions both for Church and State as may be equally beneficial to the publick, and posterity.

And we make you this overture the more willingly, because we find that our Predecessours, being Assembled upon such occasions as this that lies now before you, at *Paris*, at *Aix la Chappelle*, at *Palais-Vernon*, and at *Cressy*, about important affairs, wherein they were consulted, they demanded *plenitudinem consacerdotum*; and that they prayed the King's in their times, to Assemble all their Brethren, whose advice, and counsel they acknowledged to be absolutely necessary for them; *Cum eis, sicuti cum Magistris, & Patribus*, said those great men, *tradere, & vestra Dominationi consilium dare studebimus*.

Our Kings have taken the same course in great Affairs, wherein they thought the Church, and State equally concern'd: *Philip* the first called an Assembly of the Bishops of this Kingdom at *Troyes*, to advise with them about the Letters which *Urban* the second had sent thither: *Philip* the fair, in the time of his great difference with *Boniface* the Eighth, assembled the Clergy of *France* at *Paris*: *Charles* the Sixth, *Charles* the Seventh, and *Lewis* the Twelfth, in their Reigns, took the same Resolution to restore peace to the Church of *France* during the Schism; to establish an uniform Discipline after the Council of *Basil*, and to oppose a safe remedy to the violent proceedings of *Julius* the Second. We see in the instruction that *Francis* the first gave in 1532. to the Cardinals

Cardinals of *Courten*, and *Grammont*, that the same help was desired of him, to deliver the *Fullan* Church from divers Yoaks, imposed on her by the Church of *Rome*. In fine, *Francis* the Second procured the continuance of the Council of *Trent*, by the resolution which he took in 1560. to Assemble the Church of *France*, to agree about what should be thought fit to be propos'd in that general Council, and in the mean time, until it could be re-assembled, to reform the abuses that were introduced into the House of God.

If then, on so important an occasion as this, you will follow so many great examples, we hope, *My Lords*, that God will bless your Resolution, and that what you shall do, will not fail of being approved by all the World, and will likewise, according to the opinion of a grave man, serve for an example to our Successors.

Then the Lords Commissioners having spoken very fearfully of the same Matters, the Lord Archbishop of *Reims* was thanked by the whole Company, for having explain'd with so much Clearness and Learning, the Nature and Worth, or Benefit of so large an Extraordinary Imparliament. The Lords Commissioners were also thanked for having laboured in these Affairs with so much Exactness and Skill, and for imparting to the Company their Knowledge on this Subject.

Friday the Second of May, at Eight in the Morning.

The Lord Archbishop of *Paris* President.

Being all come to the Place of Meeting, and being seated, and Prayers ended, several of the Lords delivered their Judgments very learnedly. The Session continued till Noon, and then the Assembly adjourn'd till Two Afternoon.

*The same day, at Two Afternoon.*

## The Lord Archbishop of Paris President.

**T**HEIR Lordships continued to give their Judgments most Learningly. Then the Lord President, resuming the whole Matter, spake with such force, and profound Eloquence, that every one of them testified an extraordinary satisfaction with what was said.

The Lords having made an end of delivering their Judgments, the Advice of the Lords Commissioners was well approv'd, (and receiv'd with an unanimous Consent.) The Lord President and Lords Commissioners were pray'd to give an Account to the King of what had pass'd, and to thank him for the Protection he had given to their Assembly; to desire the continuance of his Protection to the Clergy; and to beseech his Majesty to permit the Prelates of his Kingdom to meet in a National Council, or at least to call a General Assembly of the Clergy, to consist of two Deputies of the First Order, and two of the Second, in every Province; which Deputies shall be chosen from among the most considerable Persons for Piety, Knowledge, and Experience, and such whose Merit is most known in their Provinces: and considering the Quality of the Business, they shall have in this Assembly a Power of Consulting only. In which Assembly such Resolutions may be taken, as shall tend most to the Welfare of Church and State. And as for the Books of Monsieur Gerbais, and Monsieur David, the Company have approv'd the Judgment of the Lords Commissioners concerning that of Monsieur Gerbais, and have accepted the Exposition given by Monsieur David.

It was also unanimously resolv'd, That a *Verbal Process* should be drawn up of all that had been done in the several Sessions of this Assembly, in which shall be insert'd the Report of the Lord Archbishop of Reims (which the Company pray'd him to give them), with the Judgment of the Lords Commissioners concerning the Book of Monsieur Gerbais, and Monsieur David's Expositions of his Book of the *Canonical Judgments of the Bishops*. That the said *Verbal Process* being drawn up by the Agents, and review'd by the Lords Commissioners,



missioners, it should be sign'd by the Lord President, and the whole Company, the Imporrance of the Matter consider'd; and that it shall afterward be printed, and sent to all the Prelates of the Kingdom. And the Lords Commissioners were pray'd to appoint the Agents to do what they thought necessary for executing this Deliberation. The Company did likewise Ordain, That this *Verbal Process*, with the Original Pieces there deliver'd, shall forthwith be laid up among the Records of the Clergy.

Thursday, the Eighth of May, at Eight in the Morning

The Lord Archbishop of Paris President

The Lords being met in the Hall of the Archbishop's Palace, and Prayer ended, the Lord President said, That according to the Order of the Assembly, the Lords Commissioners had been examin'd and review'd the Verbal Process; and that, if it pleas'd the Company, it should be read: Which being done, the said *Verbal Process* was Signed. Done at Paris, in the Archbishop's Palace, the Days and Year above-mentioned.

Signed in the Original thus;

- 1 Francis Archbishop of Paris, President
- 2 John Montpezat de Carben Archbishop of Sens
- 3 Charles M. Le Tellier Archbishop of Reims
- 4 Charles Archbishop of Ambrun
- 5 Michael Archbishop of Tours
- 6 Hyacinthe Archbishop of Alby
- 7 Louis Bishop of Carcassonne, (Elector Archbishop of Bourdeaux.)
- 8 Claude Bishop of Comances
- 9 Henry de Laval Bishop of Rochelle
- 10 Francis Bishop of Amiens

11. Denis Bishop of Senlis.
12. Michael Bishop of Castres.
13. Francis Bishop of Berblém.
14. Armand de Bethune Bishop of Pays.
15. Gabriel Bishop of Autun.
16. Edward Bishop of Nevers.
17. J. Benigne Bishop of Condom (Elect of Meaux.)
18. Lewis Bishop of Mans.
19. Lewis Anne Bishop of Senex.
20. L. M. Ar. Bishop, Duke of Langres.
21. Paul Philippe Bishop of Aves.
22. Lewis Bishop of Vence, (Elect of Cisteron.)
23. Charles de Pradel Bishop of Montpellier.
24. Anne Triffan de la Baume de Saxe Bishop of Tarbes.
25. James Potier Bishop of Cisteron, (Elect of Embray.)
26. John Baptiste de Beaumartin de Léonville Bishop of Rennes.
27. Charles le Gour de la Berchère Bishop of Le Mans.
28. Andrew Collet Bishop of Bayonne.
29. F. de Baudouin Bishop of Troyes.
30. Lewis Ant. Bishop, Count of Châlons.
31. Peter de Laubert Bishop of Bellay.
32. Peter Bishop of Metz.
33. John Baptiste de Beaumartin Elect of Marcellin.
34. Francis de Poudoux Elect of Tarbes.
35. Hypolite de Bethune Elect of Verdun.
36. Henry William le Jay Elect of Eubert.
37. Lewis Joseph de Grignan Elect Bishop of Carcassonne.
38. Humbere Ancelin Elect of Toul.
39. Lewis Habert de Beaumartin Elect of Perpignan.
40. Anthony le Comte Elect of Grasse.
41. John d'Estrees Elect of Laon.

And lower,

(...the ...)

The Abbot of Besons Agent ...  
Assembly.

